

Eric D. Batista
Acting City Manager



CITY OF WORCESTER

cm2022jun10103515

Attachment for Item # 8.11 A

June 14, 2022

TO THE WORCESTER CITY COUNCIL

COUNCILORS:

The attached report regarding a final proposal to initiate an Unmanned Aircraft System Program as received from Chief Steven M. Sargent is forwarded for the information of your honorable body.

Chief Sargent has submitted a revised Unmanned Aircraft System (UAS) policy draft which is attached. The policy was revised after a meeting that took place with Emiliano Falcon-Morano, of the ACLU of Massachusetts. In attendance of this meeting was myself; Assistant City Manager, Nicole Valentine; Chief Steven M. Sargent and Deputy Chief Paul Saucier. There were seven changes made to the policy which included:

1. Section 6 removed intentional
2. Section 6 # 1. Removed court order
3. Supplied definition of exigent circumstances to the definition section on page 2
4. Section 8 #3 added will be submitted to the city manager quarterly
5. Section 9 # 4 removed solely
6. Section 9 # 5 removed solely
7. Section 9 # 5 added- Nor harass, intimidate, or discriminate against any individual or group.

These changes were initiated by Mr. Falcon-Morano and resulted in constructive dialog during the meeting. The UAS would be utilized in a responsible and transparent manner in order to maintain the public's privacy and trust. My office would receive quarterly reports documenting the deployment and use of the UAS device. These reports would be made available to the public.

Chief Sargent also outlines the community engagement process in which the department attended nearly a dozen public meetings to discuss the potential benefits and use of the UAS.

Chief Sargent further addressed a concern that transpired from these meetings surrounding the use of UAS to track unsheltered individuals. The department does not intend to utilize the technology for this purpose. The equipment would only be authorized in emergency situations to gain an aerial perspective.

Chief Sargent sees a clear need for the technology and currently borrows an UAS from a surrounding agency when the City requires a use for one. Transporting the UAS from a surrounding town is time consuming during an emergency and our officers must follow the policy and procedures of the assisting town.

In conclusion, the UAS can be a potent public safety tool. The technology has numerous benefits that would enhance the safety of our residents and officers.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'E. Batista', with a large, stylized loop at the end.

Eric D. Batista
Acting City Manager



**DEPARTMENT OF POLICE
CITY OF WORCESTER**

MASSACHUSETTS 01608 -1172

508-799-8600

STEVEN M. SARGENT
Chief of Police



To: Eric Batista, City Manager
From: Steven M. Sargent, Chief of Police
Date: June 9, 2022
Re: Final Report on Unmanned Air Craft Proposal

Relative to your request for a final update on the proposal for implementing an Unmanned Aircraft System (UAS) Program, the following information is respectfully submitted.

As the second largest city in New England, there is a clear need for an Unmanned Aircraft System (UAS) to assist with police operations. Our hope is that a UAS program would allow us to do our job more effectively, efficiently and ultimately allow our officers to be even more responsive to the citizens we serve.

Currently, if the department needs to use a UAS we must rely on one of the surrounding towns to provide us with the equipment. When we borrow a UAS from another agency, we must follow their policies and procedures surrounding its use. Furthermore, when our department requests a UAS from an outside agency it takes a considerable amount of time to transport the equipment into the City. We all know that time is of the essence when it comes to many police related emergency calls.

Our Command Staff has worked hard to research this technology and has attended many public meetings to discuss the use and benefits of adopting a UAS program. The topic of a potential UAS program was discussed at City Council meetings on April 5th, April 12th, 26th, May 3rd, May 10th, and June 7th. In addition, the use of UAS was discussed extensively at Public Safety Committee meetings on April 20th, May 2nd, and June 1st. Deputy Chief Paul Saucier also attended a meeting called "Get Together to Discuss Homelessness" via zoom.

These collective measures not only display our commitment to public safety but our ongoing efforts to build upon the trusting relationships that we have with the citizens we serve. The Worcester Police Department realizes that the development of new technology, significant improvements of a current technology, or the new application of an existing technology often results in concerns about the impact on citizen's privacy, civil rights and civil liberties. I can assure you that our police department has been dedicated to operating transparently while attempting to adopt this program. Myself, and Deputy Paul Saucier along with yourself and Assistant City Manager, Nicole Valentine met with Mr. Emiliano Falcon-Morano of the ACLU Massachusetts in

order to discuss the drafted policy. The meeting was productive and resulted in seven changes to the language in our policy draft. Overall, most of these changes were based on different interpretations of words used within the first draft of the policy. Moreover, the proposed changes created more clarification. I have submitted the revised policy (attached) with the suggested changes made.

Our Command Staff developed the policy draft by using policies created by the International Association of Police Chiefs (IACP), Massachusetts State Police and Central Massachusetts Law Enforcement Council as a guide. These policies have been through a thorough review process.

The policy along with WPD's General Policy allows us to strike the balance of utilizing the technology without infringing on civil rights.

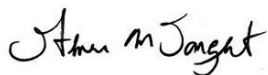
We are keenly aware of concerns that have been raised regarding unsheltered individuals. Our department does not intend on using the technology to identify or locate unsheltered individuals. Every use of the UAS would need to be specifically authorized and used to provide an aerial perspective in emergency situations.

The UAS can have many benefits to the public and improve community and officer safety, while decreasing the cost of improved operations. An UAS will provide officers serving the community with an added visual perspective when responding to emergency situations. While using the UAS for deployment of a support nature officers will gain a unique perspective and enhanced situational awareness. When officers are equipped with real-time information, this makes their job safer and increases the efficiency of crime-solving and documentation tasks. Overall, it is a safe, efficient and effective way to increase mission capabilities. In sum, it is another tool in the toolbox that can provide many advantages at an affordable level.

I believe that we have created a solid foundation for a successful program. Our research, background work, and outside input has been instrumental in shaping this potential launch. Our goal with this program is to achieve the greatest public safety benefits for our community.

Thank you for your consideration. We appreciate your time and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven M. Sargent". The signature is fluid and cursive, with the first name "Steven" and last name "Sargent" clearly distinguishable.

Steven M. Sargent
Chief of Police



POLICY AND PROCEDURE NO.

1.

Small Unmanned Aircraft System			
Date Issued 06/09/2022	Date Effective DRAFT	Revision No. 2	No. of pages 8

I. Purpose

This policy is intended to provide authorized officers assigned responsibilities associated with the deployment and use of small unmanned aircraft systems (sUAS) with instructions on when and how this technology and the information it provides may be used for law enforcement and public safety purposes in accordance with law.

II. Policy

It is the policy of this department that duly trained and authorized agency personnel may deploy the sUAS when such use is appropriate in the performance of their official duties, and where deployment use, the collection, and use of any audio/video recordings or other data originating from or generated by the sUAS, comport with the policy provisions provided herein and applicable law.

III. Definitions

1. Digital Multimedia Evidence (DME): Digital recording of images, sounds, and associated data.
2. Unmanned Aircraft (UA) or Unmanned Aerial Vehicle (UAV): An aircraft that is intended to navigate in the air without an on-board pilot. Also alternatively called Remotely Piloted Aircraft (RPA), Remotely Operated Vehicle (ROV), or Drone.
3. Unmanned Aircraft System (UAS): A system that includes the necessary equipment, network, and personnel to control an unmanned aircraft.
4. Small Unmanned Aircraft Systems (sUAS): An unmanned aircraft and its associated elements, including communication links and the components that control the aircraft that are required for safe and efficient operation.

5. UAS Flight Crewmember: A pilot, visual observer, payload operator, maintenance technician or the person assigned duties for a UAS for the purpose of flight training exercises.
6. Unmanned Aircraft Pilot: A person who exercises control over a UA/UAUVG/UAS during flight.
7. COA: Certificate of Authorization as issued by the Federal Aviation Administration (FAA) pursuant to 14 CFR 107.
8. Remote Pilot In Command: The pilot of the sUAS which is responsible for all activities and safety in regards to the operation of the sUAS flight. The Remote Pilot in Command is the final authority as to the operation of the sUAS regardless of rank.
9. NOTAMS: A Notice To Airmen or NOTAMS is a notice containing information (not known sufficiently in advance to publicize by other means) concerning the establishment, condition, or change in any component (facility, service, or procedure of, or hazard in the National Airspace System) the timely knowledge of which is essential to personnel concerned with flight operations.
10. Exigent Circumstances Legal Definition - Merriam-Webster: circumstances that are of such urgency as to justify a warrantless entry, search, or seizure by police when a warrant would ordinarily be required.

III. Procedures

All deployments of sUAS must be specifically authorized by the OIC or sUAS Supervisor. The Worcester Police Department has adopted the uses of sUAS to provide an aerial visual perspective in responding to emergency situation and exigent circumstances, and for the following objectives:

1. Situational Awareness: To assist Incident Command in understanding the nature, scale, and scope of an incident and/or for planning and coordinating an effective response.
2. Search and Rescue: To assist missing person investigations, Amber alerts, and other search and rescue missions.

3. Tactical Deployment: To support the tactical deployment of officers and equipment in emergency situations (e.g., Incident involving hostages and barricades, support for large tactical operations, and temporary perimeter security situations).
4. Visual Perspective: To provide an aerial visual perspective to assist officers in providing direction for crowd control, traffic incident management, and temporary perimeter security.
5. Scene Documentation: To document a crime scene, accident scene, or other major scene (e.g., disaster managing, incident response, large scale forensic investigation).

V. Procedures of sUAS USE:

The Worcester Police Department must obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration prior to deploying or operating the sUAS, and these authorizations, permits, and certifications shall be maintained and current.

1. The sUAS will be operated only by personnel (pilots and crewmembers) who have been trained and certified in the operation of the system.
2. The sUAS pilot in command shall follow flight notification procedures in accordance with the FAA waiver assigned to the department.
3. All sUAS certified personnel shall inspect and test sUAS equipment prior to deployment to verify the proper functioning of all equipment and airworthiness of the devices.
4. The Remote Pilot in Command shall check weather reports and NOTAMS prior to launch.
5. The sUAS equipment is the responsibility of the assigned officer(s) and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the sUAS Supervisor.
6. The sUAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Worcester Police Department.

7. All flights will be documented on a form or database designed for that purpose, and all flight time shall be accurately recorded. In addition, each deployment of the sUAS shall include information regarding the reason for the flight; time, date, and location of the flight; the name of the supervisor approving the deployment and the staff assigned; and a summary of the activities covered, actions taken, or outcomes from the deployment.
8. Except for those instances where officer safety or investigation could be jeopardized and where reasonably possible and practical, agencies should consider notifying the public.

VI Privacy

A UAS shall not be used for viewing, recording or transmitting images and/or video in a criminal investigation at any location or property where a person has a reasonable expectation of privacy unless:

1. A warrant has been approved for the search of the property;
2. Consent by the owner or person responsible for the property is obtained
3. Exigent circumstances exist, including but not limited to: search and rescue missions, tactical missions, crash scenes, crime scenes, fire scenes, hazmat scenes and natural disasters.

VII. Evidence Retention and Management:

1. All DME (Digital Multimedia Evidence) shall be handled in accordance with existing policy on data and records retention. All evidentiary data collected shall be held in compliance with the current Massachusetts Statewide Records Retention Schedule.
2. All DME shall be securely downloaded at the completion of each mission. The sUAS certified operators will record information on the file that shall include the date, time, location, and case reference numbers or other identifiers and identity of the sUAS personnel involved in the mission.

3. Officers shall not edit, alter, erase, duplicate, share, or otherwise distribute any sUAS DME without prior authorization and approval of the sUAS Supervisor.
4. All access to the sUAS DME must be specifically authorized by the sUAS Supervisor or his/her designee and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
5. Files shall be securely stored in accordance with department policy and retention laws. The Worcester Police Department utilizes the Massachusetts state records retention schedule as a guide. For non-evidentiary video, the data is stored for a period of 30 days. However, video footage for open investigations may be kept longer pending the investigation and/or criminal prosecution.

VIII. Supervision and Reporting

1. The sUAS supervisor shall manage all deployments and uses of the sUAS to ensure that officer(s) equipped with sUAS devices utilize them in accordance with policy and procedure defined herein.
2. An authorized sUAS supervisor or administrator will audit flight documentation at regular intervals. The results of the audit will be documented.
3. The sUAS supervisor or his/ her designee shall publish a quarterly report documenting the agency's deployment and use of the sUAS device which shall be distributed to the City Manager.
4. The sUAS Pilot in Command shall be responsible for immediately reporting to the FAA in compliance with the FFA, COA and Part 107, any crashes or collisions involving the aircraft and shall also immediately notify the OIC who shall notify the sUAS supervisor. The Pilot in Command and any sUAS crew member(s) present during the crash shall complete an incident report and forward it to the sUAS supervisor.
5. Any complaints regarding the sUAS shall be forwarded to the Chief of Police to be handled in compliance with The Bureau of Professional Standards protocols.

IX. Restrictions using the sUAS:

1. The sUAS shall not be operated in an unsafe manner or in violation of Federal Aviation Administration (FAA) regulations.
2. The sUAS shall not be equipped with any weapons.
3. The sUAS shall not be utilized in any effort which would violate any applicable civil rights and or civil liberties. The Worcester Police Department will comply with all statutes, rules, regulations, and case law regarding these issues. It shall be the responsibility of the sUAS unit leader to ensure this effort.
4. UAS-recorded data will not be collected, disseminated or retained for the purpose of monitoring activities protected by the U.S. Constitution, such as the First Amendment's protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations).
5. Collection, use, dissemination, or retention of UAS-recorded data shall not be based on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender), nor to harass, intimidate or discriminate against any individual or group.
6. The Worcester Police Department does not own or possess any facial recognition surveillance technology or equipment and the sUAS would not include facial surveillance technology.

X. Qualifications and Training

1. Police personnel who are assigned to deploy the sUAS must complete an agency approved training program to ensure proper use and operation.
2. Additional training may be required at periodic intervals to ensure the continued effective use, operation, proper calibration, and performance of the equipment to incorporate changes.
3. All agency personnel with sUAS responsibility, including command, shall also be trained in local and federal laws and regulations, as well and this policy governing the use of sUAS. All personnel assigned with the sUAS shall be certified with the FAA under 14 CFR 107 as a licensed remote pilot.

4. sUAS Flight Crew Member selection will be performed by the Chief of Police or his designee.

XI: Maintenance

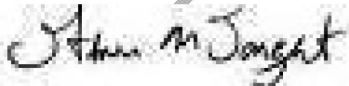
1. The sUAS shall have a regular maintenance schedule in place that is in accordance with the recommendations set forth by the sUAS manufacturer for the specific aircraft, payload, intelligent batteries, and firmware. Maintenance to the sUAS and accessories shall be recorded in a digital maintenance log with restricted access to sUAS personnel and the Chief or her/his designee.
2. The sUAS supervisor shall oversee the maintenance of the sUAS and conduct monthly audits of maintenance records. The sUAS supervisor shall assign a Maintenance Technician within the sUAS special assignment to conduct all maintenance associated with the sUAS and record keeping of maintenance conducted on the sUAS.

Disclaimer-

This policy is subject to change based on the selection of a manufacturer and will be in compliance with those standards of use for the particular aircraft selected. At this time the capabilities of the Worcester Police Department's sUAS are not known due to not having a vendor or particular model sUAS.

PER:

Per:



Steven M. Sargent
Chief of Police